REMARKS/ARGUMENTS

New Arguments in Response to Office Action of April 4, 2008

In the Applicant's previous response, filed January 28, 2008, the Applicant made claim amendments and submitted four pages of arguments outlining several deficiencies of Salmimaa and/or Hellebust in respect of the Examiner's rejections of the pending claims. These arguments are reproduced below. The Examiner's Office Action of April 4, 2008, appears to be a copy of the Final Office Action of December 7, 2007, with a Response to Arguments section including 12 lines of additional commentary. The Examiner's Response to Arguments fails to address most grounds of argument submitted by the Applicant on January 28.

In fact, the Office Action of April 4, 2008, states at page 2 that "this action is in response to amendment filed 9 August 2007." The Applicant hopes this is not the case, since the Applicant recently filed a request for continued examination and paid the required fee in order to have the new amendments and arguments properly considered by the Examiner.

The Examiner has the burden of establishing a *prima facie* case of anticipation or obviousness. The Applicant has made a sincere attempt to rebut the Examiner's position in the response of January 28, 2008, but the Examiner did not address most grounds of argument submitted by the Applicant. This leaves the Applicant in the untenable position of being unable to respond to most aspects of the Examiner's rejections, because the Applicant has not received a rebuttal in respect of the arguments already presented. The Applicant would appreciate it if the Examiner would address the Applicant's arguments filed on January 28, 2008, so that the Applicant can consider the Examiner's position and respond accordingly.

The Applicant submits the following comments to the Examiner's Response to Arguments. The Examiner first states that Salmimaa discloses a Nokia 9210 Communicator and therefore discloses a small screen having a status portion for

displaying wireless communication device status information. In order to show this, the Examiner cites a new reference appearing to be a Nokia 9210 communicator tutorial and provides a web address and a hardcopy of the newly cited reference. The Examiner cites this new reference in support of the Examiner's 35 U.S.C. § 102(b) anticipation rejection over Salmimaa, which is clearly improper, as the Examiner is not permitted to combine references for a 35 U.S.C. § 102(b) rejection. Therefore, the 35 U.S.C. § 102(b) is improper and the rejection should be withdrawn on this grounds alone.

Further, the Nokia 9210 Communicator pointed to by the Examiner is not analogous to the claimed wireless communication device having a small display. The Nokia 9210 Communicator has a screen and a form factor that is substantially larger than the typical personal digital assistant or cellular phone in use today, or at the time of filing of the Applicant's application (February 24, 2004), as evidenced by the filing date of Salmimaa (April 26, 2001, or almost three years prior). One skilled in the art would appreciate that wireless communication devices shrank substantially over the period from 2001 to 2004.

The Examiner next states that Salmimaa, at paragraph 0038, discloses that selecting an icon may launch its respective application. Paragraph 0038 of Salmimaa states:

> In one embodiment, a user of terminal 401 can modify context values contained in storage area 408 using a keypad, cursor, stylus, or similar input device associated with display 412. An optional icon selector function 411, for example a magnifying glass selector, allows the user to move over icons on the display to depict further information regarding the icons and to temporarily enlarge icons of potential interest. Other icon selectors can of course be used without departing from the inventive principles. Application launcher 410 launches an application associated with the selected icon in response to further user input. **For example, application launcher 410 may start a Web browsing application if the particular icon has an associated hyperlink. Alternatively, if an icon represents a document, application launcher 410 can launch a document viewer or editor program.** (emphasis added)

Paragraph 0038 of Salmimaa, reproduced above, explicitly states that the icon is associated with either a hyperlink or a document. When the icon is selected, an

application launcher determines an appropriate application and launches the application associated with the hyperlink or document that is associated with the icon. In contrast to this, the pending claims recite an application portion of a main screen for displaying icons for respective applications. That is, the claimed icons directly represent applications, not documents as disclosed by Salmimaa. No intermediate component, such as the application launcher disclosed by Salmimaa, is needed in the claimed subject matter because the icons of the claimed subject matter represent applications, not documents. Paragraph 0038, cited by the Examiner, clearly and unambiguously teaches in a direction that is contrary to the claimed subject matter.

Therefore, based on the Examiner's Response to Arguments, it is submitted that the rejections are clearly improper and Applicant respectfully requests that the Examiner withdraw the rejections accordingly.

In Applicant's response of January 28, 2008, the Applicant explained why it believes the combination of Salmimaa with Hellebust is improper and deficient. Despite the fact that the Examiner has the burden of establishing a *prima facie* case of obviousness, the Examiner has not responded to the Applicant's rebuttal. The Applicant maintains its position that there is no reason why one skilled in the art would be motivated to modify the teachings of Salmimaa with the teachings of Hellebust. Further, even if the teachings of Salmimaa were modified according to the teachings of Hellebust, Hellebust fails to cure the deficiencies of Salmimaa.

Arguments Previously Submitted

In the Office Action of April 4, 2008, the Examiner maintains the rejection of claims 21-24, 29, 30, 33, 38, and 39 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0160817 to Salmimaa et al. ("Salmimaa"). The Examiner further maintains the rejection of claims 25-28, 31, 32, 34-37, 40, and 41 under 35 U.S.C. § 103(a) as being obvious over Salmimaa in view of U.S. Patent Publication No. 2005/0248437 to Hellebust et al. ("Hellebust"). The Applicant respectfully disagrees

with the Examiners rejections and submits that claims 21 to 41 are both new and non-obvious in view of Salmimaa and/or Hellebust for the reasons set forth below.

The present application is directed to a method and system for providing notifications of new events on a wireless communication device. The method provides notifications of new events on a wireless communication device having a small display. The wireless communication device has a graphical user interface 'GUI' displayed on a display of the wireless device. The GUI has a main screen comprising an application portion for displaying icons for respective applications for execution on the wireless device and a status portion for displaying wireless communication device status information. The method comprises providing on the main screen and in the application portion a plurality of application icons each representing an application for managing respective events on the wireless device and each being invokable to launch its respective application. The application icons occupy a major portion of the main screen. In response to a new event in respect of one of the applications, the respective application icon in the application portion of the main screen is visually modified to notify of the new event. The application icons are maintained on the main screen continuously.

In contrast, Salmimaa concerns modifying icons in a context bar of a mobile terminal (Paragraph 0024). The context bar comprises a plurality of icons displayed along an edge of the display (i.e., a horizontal edge as shown in FIG. 1 or a vertical edge as shown in FIG. 2). The sizes of the icons are modified together in response to context values. The context values relate to variables associated with the icons, such as the prices of services or goods associated with the icons, the distance of the establishments associated with the icons from the location of the mobile terminal, etc. (Paragraph 0029). The arrangement of icons along an edge of the display shown by Salmimaa is done because the mobile terminal of Salmimaa is fundamentally different from the wireless communication device presently claimed.

Salmimaa does not disclose or suggest displaying icons in an application portion of the screen because the screen of Salmimaa is sufficiently large such that the icons are arranged along an edge of the screen. (FIGS. 1, 2, and 3) In this regard, Salmimaa

teaches away from a wireless communication device having a small display, as presently claimed. As such, the mobile terminal of Salmimaa does not present the same technical challenges associated with the claimed wireless communication device of which the claimed subject matter is designed to address. For this reason, Salmimaa fails to teach or suggest many of the features recited in claim 21.

For example, the claimed wireless communication device has a small display. The wireless communication device GUI has a GUI having a main screen comprising an application portion for displaying icons for respective applications for execution on the wireless device and a status portion for displaying wireless communication device status information. Salmimaa does not teach or suggest a wireless communication device having both an application portion for displaying icons and a status portion for displaying wireless communication device status information.

Salmimaa additionally fails to teach or suggest providing on the main screen and in the application portion a plurality of application icons, each being invokable to launch its respective application. The icons of Salmimaa represent information such as a hyperlink or a document. (Paragraph 0038) The icons of Salmimaa do not represent respective applications and are not invokable to launch their respective applications, as presently claimed. In this regard, Salmimaa again teaches in a direction that is contrary to the claimed subject matter.

The Applicant notes that, in relation to claim 22, the Examiner suggests that the application launcher 410 described by Salmimaa is the same as the claimed application icons that are each invokable to launch their respective applications. However, this configuration is substantially different from the claimed subject matter. Salmimaa explicitly teaches at paragraph 0038 that icons have associated hyperlinks or documents. If the user clicks one of the icons, the application launcher 410 then determines an appropriate application to open the document associated with the icon that the user clicked and the application launcher 410 then launches that application. As such, the icons of Salmimaa are not directly representative of respective applications, as claimed.

Further, the change of size of the icons disclosed by Salmimaa is not in response to a new event in respect of one of the applications, as presently claimed. Since the icons of Salmimaa are not application icons invokable to launch their respective applications, as presently claimed, it follows that the icons of Salmimaa would not change in size in response to new events in respect of those applications. In contrast, Salmimaa discloses changing the size of all of the icons in response to context values, which are related to data gathered by the mobile terminal. (see, for example, paragraph 0026) In this respect, Salmimaa again teaches in a direction that is contrary to the claimed subject matter.

As such, Salmimaa fails to disclose or suggest, in response to a new event in respect of one of the applications, visually modifying the respective application icon in the application portion of the main screen to notify of the new event. Further, the change in size of icons disclosed by Salmimaa presents an indication to a user of a relationship of the context values; it does not notify of a new event in respect of an application, as presently claimed.

Since Salmimaa fails to disclose or suggest many of the features recited in claim 21, claim 21 is patentable over Salmimaa. Claim 33 claims a graphical user interface for use on a wireless device and recites many of the same features as claim 21 and is patentable for the same reasons. Claims 22-32 and 34-41 depend, either directly or indirectly, from claims 21 and 33 and are patentable for the same reasons.

The Examiner has the burden of establishing a *prima facie* case of obviousness. However, the Examiner has failed to provide a motivation as to why one skilled in the art would be motivated to modify the teachings of Salmimaa with the teachings of Hellebust. The Examiner's statements of motivation seem to simply parrot the claim language and provide nothing from within the cited references that show why one skilled in the art would be motivated to modify the teachings of Salmimaa with the teachings of Hellebust. As such, the Examiner has failed to provide a *prima facie* case of obviousness and the claims are patentable over Salmimaa and/or Hellebust.

As the Applicant had previously pointed out in the response submitted on August 9, 2007, Hellebust concerns a filtered in-box for voice mail, e-mail, pages, web-based information, and faxes. Hellebust teaches sending an alert message to users of wireless devices if it is determined that the message is of sufficiently high priority. Hellebust does not appear to concern modifying icons in any way and therefore fails to cure the deficiencies of Salmimaa. The teachings of Hellebust are irrelevant to the teachings of Salmimaa, as well as the claimed subject matter. There is no reason why one skilled in the art reviewing the teachings of Salmimaa, which relate to displaying prioritized icons in a mobile terminal, would modify the teachings of Salmimaa with reference to Hellebust, which relates to a filtered inbox for voicemail and email.

It is therefore submitted that the claims are patentable over Salmimaa and/or Hellbust, whether taken alone or in combination.

Favourable reconsideration and allowance of the application are respectfully requested. Should the Examiner have any questions in connection with the Applicant's submissions, please contact the undersigned.

Respectfully submitted,

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